

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Respondent,

v.

QUINTON WILLIAMS,

Movant.

Case No. 2:03-CR-0046-KJD-RJJ
2:12-CV-01972-KJD-RJJ

ORDER

Presently before the Court is Movant's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 (#231). Having reviewed the motion and finding that it is clearly time barred, the Court must deny the motion.

Movant was found guilty of five counts by a jury verdict on March 6, 2009. He was sentenced on December 10, 2009 and Judgment was entered on December 11, 2009. He filed a Notice of Appeal and the Ninth Circuit Court of Appeals affirmed his conviction and sentence on April 21, 2011. Mandate then issued on May 18, 2011. Plaintiff did not appeal further, thus his appeal became final ninety days after entry of the court of appeals judgment, when the time for seeking certiorari review had expired. See United States v. Garcia, 210 F.3d 1058, 1059 (9th Cir. 2000), *accord* Clay v. United States, 537 U.S. 522 (2003). Section 2255 imposes a one-year statute

1 of limitations on a section 2255 motion. 28 U.S.C. § 2255(f). The limitations period begins to run
2 from “the date on which the judgment of conviction becomes final.” 28 U.S.C. § 2255(f)(1).

3 Thus, Movant was required to file the present motion no later than July 13, 2012. However,
4 he did not file the motion until November 14, 2012. Therefore, his motion is untimely and is denied.
5 Furthermore, the Court finds that the motions, files and records of the case conclusively show that
6 Movant is entitled to no relief. See United States v. Blaylock, 20 F.3d 1458, 1465 (9th Cir.
7 1994)(quoting 28 U.S.C. § 2255). Further, Movant has failed to identify any “extraordinary
8 circumstances beyond [his] control that made it impossible for [him] to file [his] motion within the
9 appropriate time period.” United States v. Schwartz, 274 F.3d 1220, 1223 (9th Cir. 2001).

10 Accordingly, IT IS HEREBY ORDERED that Movant’s Motion to Vacate, Set Aside, or
11 Correct Sentence Pursuant to 28 U.S.C. § 2255 (#231) is **DENIED**;

12 IT IS FURTHER ORDERED that all other outstanding motions are **DENIED as moot**.

13 DATED this 9TH day of January 2013.

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17 Kent J. Dawson
18 United States District Judge
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